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ARTICLE 66B

CODE OF PUBLIC GENERAL LAWS OF MARYLAND

MARYLAND ZONING AND PLANNING ENABLING ACT

Published By

MARYLAND STATE PLANNING DEPARTMENT

301 WEST PRESTON STREET

BALTIMORE 1, MARYLAND

Compiled from the Laws of Maryland, 1927 and 1933, As Amended Through 1961

OCTOBER 1961

Maryland State Planning Department
1103 State Office Building
Baltimore 1, Maryland
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FOREWORD

The Maryland Zoning and Planning Enabling Act contained in these pages is the basis for planning and zoning operations throughout most of the State. The Maryland State Planning Department makes copies of the Act available to all concerned with planning and zoning, anticipating that city and county planning and zoning commissions will find them of use. Municipalities not having planning and zoning commissions are encouraged to review this enabling legislation enacted expressly for the creation of such commissions.

This booklet was compiled from the Laws of Maryland, 1927 and 1933, and includes all amendments passed prior to and including the 1961 session of the Legislature.

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Article 66B
Zoning and Planning

Zoning

1. Grant of power.

For the purpose of promoting the health, security, general welfare and morals of the community, the mayor and city council of Baltimore City and the legislative bodies of cities and incorporated towns of the State containing more than 10,000 inhabitants are hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. (1927, ch. 705).

2. Districts.

For any or all of said purposes the local legislative body may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purpose of this article; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. (1927, ch. 705).

3. Purposes.

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. (1927, ch. 705).

4. Method of procedure.

The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in such municipality and, in case of the change in boundary or boundaries of any zoning district, a similar notice shall be posted such place or places as the respective zoning authorities shall designate within the zone proposed to be changed, and notice of the proposed change shall

be sent by first class United States mail to the person or persons whose name last appeared among the tax records of such municipality as the owner of the property proposed to be changed. (1927, ch. 705; 1937, ch. 397; 1953, ch. 696).

5. Changes.

Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty per cent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear, or to either side, thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of § 4 relative to public hearings and official notice shall apply equally to all changes or amendments. The legislative body shall refer proposed changes to the district boundary lines to the city or town planning commission and the board of zoning appeals, where such a commission or board exists, and such commission and board shall study the proposed changes with respect to the master plan of zoning, the needs of the city or incorporated town and the needs of the particular neighborhood in the vicinity of the proposed changes, and shall report to the legislative body its findings and recommendations. Where the city or town planning commission and board recommends disapproval of the proposed changes, it shall require a favorable vote of a majority of all the members of the legislative body before such changes in the district boundary lines shall become effective. (1927, ch. 705; 1953, ch. 696).

6. Zoning Commission.

In order to avail itself of the powers conferred by this article, such legislative body shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and such legislative body shall not hold its public hearings or take action until it has received the final report of such commission. Where a board of zoning appeals already exists, it may be appointed as the zoning commission. (1927, ch. 705).

7. Board of Zoning Appeals.

(a) *Appointment and power to make exceptions.*—Such local legislative body may provide for the appointment of a board of zoning appeals, and in the regulations and restrictions adopted pursuant to the authority of this article may provide that the said board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therin contained.

(b) *Composition and terms.*—The board of zoning appeals shall consist of five members and they shall be appointed for a term of four years, but of the first appointed members one shall be appointed for a term of one

year, one for a term of two years, one for a term of three years and one for a term of four years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The members of the board of zoning appeals shall be removable for cause by the appointing authority upon written charges and after public hearing.

(c) *Rules; meetings; oaths; summoning witnesses.*—The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(d) *Appeals; transmission of record.*—Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(e) *Stay of proceedings on appeal.*—An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(f) *Hearing on appeal.*—The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(g) *General powers of board.*—The board of zoning appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant therto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as is necessary to avoid arbitrariness and so that the spirit of the ordinance shall be observed and substantial justice done.

4. To approve buildings, and uses limited as to location under such rules and regulations as may be provided by ordinance of the local legislative body; except that this subsection shall not apply to Prince George's and Montgomery counties.

(h) *Decision of board.*—In exercising the above-mentioned powers such board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the officer from whom the appeal is taken.

(i) *Vote required to reverse official or effect variation.*—The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(j) *Appeal from board to court.*—Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days from the day upon which the board decided the matter from which the appeal is taken.

(k) *Answer of board; record to be filed with answer.*—The court shall grant the board and other proper parties a reasonable time to answer and shall require either the original papers or certified copies thereof, which constituted the entire record before the board, to be filed with the board's answer.

(l) *Hearing; additional testimony.*—The court may hear the appeal on the record or if, in the opinion of the court, additional testimony is required for the proper disposition of the case, the court may permit either or both sides to present additional testimony.

(m) *Case heard without jury.*—The court shall hear the case without the intervention of a jury.

(n) *Decision of court; cost of testimony.*—The court may reverse or affirm, wholly or partly, or may modify or remand for further consideration, any decision of the board of appeals. When a case is remanded for further consideration, the testimony, if any, taken in court shall be made available to the board. The costs of preparing such testimony shall be made a part of the costs of the case.

(o) *Appeal to Court of Appeals.*—An appeal may be taken to the Court of Appeals from any decision of the said court of record reviewing the decisions of the board of zoning appeals. (1927, ch. 705; 1935, ch. 448; 1953, ch. 696).

8. **Enforcement and remedies.**

The local legislative body may provide by ordinance for the enforcement of this article and of any ordinance or regulation made thereunder. A violation of this article or of such ordinance or regulation is hereby declared to be a misdemeanor, and such local legislative body may provide for the

punishment thereof by fine or imprisonment or both. It is also empowered to provide civil penalties for such violation.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this article or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premise. (1927, ch. 705).

9. Conflict with other laws.

Wherever the regulations made under authority of this article require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern. (1927, ch. 705).

9A. Powers additional and supplemental to express powers of chartered counties; conflict with local laws.

Anything contained in this sub-title to the contrary notwithstanding, the powers conferred herein shall be construed wherever possible as additional and supplemental to the express powers to enact laws relating to planning and zoning granted to and conferred upon the chartered counties of Maryland by Section 5 of Article 25A, and to the extent that any of the provisions of this sub-title may be inconsistent with or contrary to any local laws, ordinances or regulations adopted by virtue of or pursuant to such express powers, such provisions of this sub-title shall not apply to the chartered counties of Maryland. (1959, ch. 704).

PLANNING

Title I—Municipal Planning and Zoning Commission

10. Definitions.

For the purpose of this sub-title certain terms are defined as provided in this section. Whenever appropriate the singular includes the plural and the plural includes the singular. "Municipality" or "municipal" includes or relates to counties, towns, villages or other incorporated political subdivisions. "Mayor" means the chief executive of the political subdivision, whether the official designation of his office be Mayor, City manager or otherwise. "Council" means the chief legislative body of the political subdivision including the County Commissioners for Cecil County and includ-

ing the County Commissioners of Washington County; and in Washington County any reference to "chief executive" or to "executive head" shall be deemed to include a reference to the president of Board of County Commissioners. The term "streets" include streets, avenues, boulevards, roads, lanes, alleys, viaducts and other public ways. "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land territory subdivided. The term "County" as hereinbefore defined for the purposes of Titles I, II, III, IV, and V of this article shall include all cities and incorporated towns and sanitary districts or other municipalities in Allegany County where the legislative bodies of said cities, towns and sanitary districts or municipalities shall by resolution directed to the County Commissioners of said County, indicate the intention of said body to participate in a county-wide program under any of the titles hereinbefore enumerated. (1933, ch. 599; 1957, ch. 720; 1959, ch. 194; 1961, ch. 397).

11. Grant of power to municipality; designation of commission.

Any municipality is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this sub-title and create by ordinance a planning commission with the powers and duties herein set forth. The planning commission of a city shall be designated city planning commission; of a town or village, town or village planning commission; and of any other municipality, such designation as its council may specify. (1933, ch. 599).

12. Membership of Commission; exception as to Cecil County.

(a) *General.*—The Commission shall consist of five members, namely, a member of the Council and four persons who shall be appointed by the Mayor, and confirmed by the Council, if the Mayor be an elective office, otherwise by such officer as Council may in the ordinance creating the Commission designate as the appointing power. All members of the Commission shall serve as such without compensation. The term of ex-officio member shall correspond to his official tenure. The term of each member shall be five years or until his successor takes office, except that the respective terms of five members first appointed shall be one, two, three, four, and five years. Members may, after a public hearing, be removed by the Council for inefficiency, neglect of duty, or malfeasance in office. The Council shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor and confirmed by the Council.

(b) *Cecil County.*—Provided, however, that for Cecil County the Commission shall consist of eleven members, namely a member of the County Commissioners of Cecil County, and at least one person appointed by the County Commissioners from each election district in said County. The term of each member shall be five years, or until his successor takes office, except that the members first appointed shall serve the following terms: three such members shall be chosen for terms of five years, two for four years and two for three years, two for two years and two for one year. Vacancies shall be filled by the County Commissioners for the unexpired

term. Any provision in this sub-title not inconsistent with this sub-section, shall be applicable to Cecil County. (1933, ch. 599; 1957, ch. 720).

13. Organization and rules.

The commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be one year, with eligibility for re-election. The commission shall hold at least one regular meeting each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. (1933, ch. 599).

14. Staff and finances.

The commission may appoint such employees as it may deem necessary for its work. The commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by council, which shall provide the funds, equipment, and accommodations necessary for the commission's work. (1933, ch. 599).

15. General powers and duties.

It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in a commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, public buildings, parks, aviation fields, and other public ways, grounds and open spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The commission may from time to time amend, extend, or add to the plan. Nothing in this subtitle shall be construed to give a planning commission any authority over the construction, maintenance or operation of electric tower transmission lines on rights of way now owned by electric light, power or transmission companies in Baltimore County. (1933, ch. 599).

16. Purposes in view.

In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and

accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. (1933, ch. 599).

17. Procedure of commission for adoption of master plan.

The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality. The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than three members of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman and/or secretary of the commission. An attested copy of the plan or part thereof shall be certified to council and to the county recorder. (1933, ch. 599).

18. Legal status of official plan.

Whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof no street, square, park or other public way, ground, or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the commission; provided, that in case of disapproval the commission shall communicate its reason to council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership; provided, however, that if the public way, ground, space, building, structure or utility be one the authorization of financing of which does not, under the law or charter provisions governing same, fall within the province of the municipal council, then the submission to the planning commission shall be by the board, commission or body having such jurisdiction, and the planning commission's disapproval may be overruled by said board, commission or body by a vote of not less than two-thirds of its membership. The failure of the commission to act within sixty days from and after the date of official submission to the commission shall be deemed approval. (1933, ch. 599).

19. Right of eminent domain.

That whenever it shall be deemed necessary by the commission to take or acquire any lands, water rights, structures or buildings either in fee or as an easement for parks, parkways, forests, roads, streets, boulevards, or highways, grounds or spaces, the commission may purchase same from the owner or owners, or, failing to agree with the owner or owners thereof, may condemn the same by proceedings in the circuit court for the county in which said land, water rights, structures or buildings are located, as now provided for condemnation of land by public service corporations in Article 33A of the Public General Laws of Maryland; and said commission may at the same time condemn the interest of any tenant, lessee or other person having an interest in said land or other property. At any time after ten days after the return and recordation of the verdict or award in said proceeding, the commission may enter and take possession of said property so condemned upon first paying to the clerk of the court the amount of said award and all costs taxed to date, notwithstanding any appeal or further proceeding on the part of the defendant. At the time of said payment, however, it shall give its corporate undertaking to abide by and fulfill any judgment on such appeal or further proceeding if there be an appeal. (1933, ch. 599).

20. Miscellaneous powers and duties of commission.

The commission shall have power to promote public interest in and understanding of the plan. The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with relation to the protecting or carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this subtitle. (1933, ch. 599).

Title II—Zoning

21. General building regulations and zoning.

(a) *Grant of power.*—For the purpose of promoting health, safety, morals or the general welfare of the community the legislative body of counties, cities and other incorporated areas are hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(b) *Districts.*—For any or all of said purposes the local legislative body may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this subtitle,

and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

(c) *Purposes in view.*—Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

(d) *Method of procedure.*—The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality.

(e) *Changes.*—Such regulations, restrictions and boundaries may from time to time be amended, supplanted, changed, modified or repealed. In case, however, of a protest against such change signed by the owners of twenty per cent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending 175 feet therefrom, or of those directly opposite thereto extending 175 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of municipality. The provisions of Section 21(d) relative to public hearings and official notice shall apply equally to all changes or amendments.

(f) *Recommendation by planning commission as to district boundaries.*—In order that the municipality may avail itself of the zoning powers conferred by this subtitle, it shall be the duty of the planning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and the council shall not hold its public hearings or take action until it has received the final report of such commission.

(g) *Zoning jurisdiction in Talbot County.*—Territorial planning and zoning jurisdiction of the planning and zoning commission of any incoporated town of Talbot County shall include all land located within the corporate boundaries of said town, and territorial planning and zoning jurisdiction of the planning and zoning commission of Talbot County shall include all land lying outside of the corporate boundaries of any incorporated town of Talbot County. The planning and zoning commission of any

incorporated town of Talbot County shall have territorial planning and zoning jurisdiction over all land lying within one mile of its corporate boundaries at such time as the incorporated town shall have approved and adopted a master plan and zoning ordinances for such area, at which such time the authority of the planning and zoning commission of Talbot County over such land shall be divested. In the event that the corporate limits of any incorporated town of Talbot County shall be extended by legislative act at any time after June 1, 1953, territorial jurisdiction of the planning and zoning commission of such incorporated town over land lying beyond its extended boundaries shall not be effective to divest the planning and zoning commission of Talbot County of its authority over any land previously zoned by it for a period of one year from the effective date of the extension of such corporate boundaries

Any incorporated town of Talbot County may, by appropriate ordinance duly adopted, delegate the authority to plan and zone land lying within its corporate boundaries, to the county commissioners of Talbot County.

(h) *Approval by voters in certain counties.*—Repealed, February 23, 1961.

(i) *Group houses prohibited in Anne Arundel County except in varied type housing developments; Annapolis excepted.*—Except as hereinafter provided, nothing in this Article and no regulation, rule or ordinance of the local legislative body or of any agency thereof shall be construed to permit the construction of a "group house" in Anne Arundel County, and no permit shall be issued therefor, in said County. As used in this subsection, the term "group house" means three or more single family dwellings designed and erected as a single detached building, but this term shall not include a detached building used or arranged for occupancy as dwellings for three or more families as independent housekeeping units with all such housekeeping units being supplied water, heat, light and other public conveniences and utilities in connection with each other; nor shall this term include buildings such as hotels or motels containing individual sleeping or living units primarily for the accommodation of transient guests.

Provided, however, that nothing in this subtitle shall prevent the construction of group houses on land zoned or rezoned for such purposes prior to June 1, 1961.

Provided, further, that group houses may be constructed in Anne Arundel County in varied type housing developments in accordance with rules and regulations of the local legislative body, which such rules and regulations shall contain the following requirements for varied type housing developments:

1. Shall be located on tracts of land platted under one control or ownership, and consisting of not less than thirty (30) acres of ground in gross area, and

2. Shall contain provisions for a density of not more than seven (7) dwelling units per gross acre, and no portion of any such varied type housing development hereafter platted and recorded among the land records of Anne Arundel County shall be amended in any fashion so as to increase the density to more than seven (7) dwelling units per gross acre, and

3. Shall be so designed that a minimum of ten percent of the gross area in said varied type of housing development shall be devoted to community recreational and/or open space use for the inhabitants of such development, and

4. No more than fifty percent of the total number of dwelling units to be constructed shall be of the multiple dwelling family type (i.e. 3 or more dwelling units in one structure), and a minimum of twenty-five percent of the total number of dwelling units in said varied type housing development shall be of the single family type.

Nothing in this section shall apply to the City of Annapolis.

(j) *Zoning jurisdiction in Cecil County.*—Any incorporated town in Cecil County which exercises zoning powers under this sub-title has jurisdiction for such purposes within its own corporate limits and over the area around the town within one mile from the corporate limits, and this jurisdiction prevails over the zoning powers of the county. (1933, ch. 599; 1953, ch. 190; 1955, ch. 721; 1957, ch. 22; 1959, ch. 827; 1961 chs. 5, 724 and 779).

22. Board of Appeals.

(a) *Appointment and power to make variations.*—The council shall provide for the appointment of a board of appeals, and in the regulations and restrictions adopted pursuant to the authority of this subtitle may provide that the said board of appeals may, in cases where it is exceptionally difficult if not impossibe to comply with the exact provisions of the ordinance, make such variation as will prevent unwarranted hardship or injustice and at the same time most nearly accomplish the purpose and intent of the regulations of the zoning plan

(b) *Membership of Board.*—The board shall consist of three members. The term of office of the members of the board shall be three years. They shall be appointed by the mayor, confirmed by the council, and removable for cause, upon written charges, and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant, provided, however, that in Anne Arundel County said board shall consist of five members for terms of five years and shall be considered as the final authority in matters of conflict with other license boards of the County in matters relating to construction, zoning, measured distance, locations and other matters generally related thereto.

(c) *Rules and meetings.*—The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this subtitle. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(d) *Appeals; transmission of records.*—Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decisions of the administrative officer. Such appeal shall be taken within a reasonable time, as pro-

vided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(e) *Stay of proceedings on appeal.*—An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(f) *Hearing on appeal.*—The board of appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(g) *General powers of board.*—The board of appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this subtitle or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions of the ordinance will result in unwarranted hardship and injustice, but which will most nearly accomplish the purpose and intent of the regulations of the zoning plan.

(h) *Modification of orders appealed from.*—In exercising the above-mentioned powers such board may, in conformity with the provisions of this subtitle, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(i) *Petition for writ of certiorari; to review decision of board.*—Any person or persons, jointly or severally, aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board, bureau of the municipality, may present to the circuit court of the county, a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board.

(j) *Allowance for writ of certiorari.*—Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of

appeals to review such decision of the board of appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(k) *Return to writ of certiorari.*—The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(l) *Testimony upon hearing writ of certiorari.*—If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. In Washington County the appeal shall be heard de novo without the intervention of a jury.

(m) *Costs not allowed against board; exception.*—Costs shall not be allowed against the board unless it shall appear to the circuit court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

(n) *Issues have preference under this section.*—All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(o) *Decision of circuit court; appeal to Court of Appeals; awarding of costs.*—Upon its determination of the case, the Circuit Court shall file a formal order embodying its final decision. An appeal may be taken to the Court of Appeals of Maryland, during the period and in the manner prescribed by rules of the Court of Appeals, from any decision of the Circuit Court reviewing a decision of the Board of Appeals. In such cases the award of costs shall be subject to the discretion of the Court of Appeals. (1933, ch. 599; 1957, ch. 321; 1959, chs. 194, 600).

23. Existing planning and zoning commissions.

The commission appointed under this subtitle shall have all powers granted by law heretofore to any planning or zoning commission of the municipality, and from and after the creation of a planning commission hereunder in such municipality, all powers and records of the then planning and zoning commission shall be transferred to this planning commission, provided, however, that in the event that any existing planning and zoning commission shall be nearing the completion of its zoning plan, council may, by resolution, postpone the said transfer of the zoning commission's powers until the completion of such zoning plan; but such postponement shall not exceed a period of six months. (1933, ch. 599).

Title III—Subdivision Control

24. Subdivision jurisdiction.

The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within one mile of the corporate limits of the municipality and not located in any other municipality, except that, in the case of any such nonmunicipal land lying within one mile of more than one municipality having a planning commission under this subtitle, the jurisdiction of each such municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities. (1933, ch. 599).

25. Scope of control of subdivision.

Whenever a council shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, and shall have filed a certified copy of such plan in the office of the county clerk of the county in which such territory or part is located, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by the planning commission and such approval entered in writing on the plat by the chairman or secretary of the commission. (1933, ch. 599).

26. Subdivision regulations; provisions as to Anne Arundel County.

Before exercising the powers referred to in § 25, the planning commission shall prepare regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets, in relation to other existing planned streets and to the master plan, for adequate and convenient open spaces for traffics, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

Such regulations may include provision as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond with surety to secure to the municipality the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The municipality is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

In Anne Arundel County, the commission may accept a cash payment from the developer or contractor in lieu of the actual construction and installation of all or any part of such improvements or utilities, which cash payment shall thereafter be used by the county, from time to time, only for the construction and installation of such utilities, facilities and improvements.

Before any regulations shall be submitted to council for adoption a public hearing shall be held thereon and all such regulations, or, if in the opinion of the commission it is best, a brief synopsis of such regulations, sufficient

to inform a person of ordinary intelligence of the nature and contents of such regulations, together with the time and place of such public hearing, shall be published once or more, if the commission deems best, in a daily newspaper published and in general circulation in such city and county. When such regulations are adopted by the council, a copy thereof shall be certified by the commission to the county clerk of the county in which the municipality and territory are located, for record. (1933, ch. 599; 1959, ch. 719; 1961, ch. 272).

26A. Cash acceptable in lieu of establishment of recreational areas in Anne Arundel County.

In Anne Arundel County, the commission may accept a cash payment from the developer in lieu of the actual establishment of land areas by the developer for recreational purposes, and such payments shall be held in escrow and used by the council for the purpose of acquiring parks and playgrounds and shall be used for this purpose and no other. (1959, ch. 719).

27. Approval of plat.

The planning and zoning commission shall approve or disapprove a final plat, if all subdivision regulations have been complied with, within thirty (30) days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. Provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Every plat approved by the commission shall by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may, from time to time, recommend to council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with applicant upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. Such requirement or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality. (1933, ch. 599; 1961, ch. 272).

28. Penalties for transferring lots in unapproved subdivisions.

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning and zoning commission and recorded or filed in the office of the appropriate county clerk, shall forfeit and pay a penalty of one hundred dollars ($100.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold;

and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction. (1933, ch. 599).

29. County clerk's duties.

A county clerk who files or records a plat of a subdivision without the approval of the planning commission as required by law shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). (1933, ch. 599).

30. Status of existing platting statutes.

From and after the time when a planning commission shall have control over subdivisions as provided in § 24 of this subtitle, the jurisdiction of the planning commission over plats shall be exclusive within the territory under its jurisdiction, and all statutory control over plats or subdivisions of land granted by other statutes shall, in so far as in harmony with the provisions of this subtitle be deemed transferred to the planning commission of such municipality. (1933, ch. 599).

Title IV—Buildings in Mapped Streets

31. Reservation of locations of mapped streets for future public acquisition.

Any municipal planning commission is empowered after it shall have adopted a major street plan of the territory within its subdivision jurisdiction or of any major section or district thereof, to make or cause to be made, from time to time, surveys for the exact location of the lines of a street or streets in any portion of such territory and to make a plat of the area or district thus surveyed, showing the land which it recommends be reserved for future acquisition for public streets. The commission, before adopting any such plat, shall hold a public hearing thereon, notice of the time and place of which, with a general description of the district or area covered by the plat, shall be given not less than 10 days previous to the time fixed therefor by one publication in a newspaper of general circulation in the municipality if the district or area be within the municipality. After such hearing the commission may transmit the plat, as originally made or modified as may be determined by the commission, to council, together with the commission's estimate of the time or times within which the lands shown on the plat as street locations should be acquired by the municipality. Thereupon by resolution, council may approve and adopt or may reject such plat or may modify it with the approval of the planning commission, or, in the event of the planning commission's disapproval, council may, by a favorable vote of not less than two-thirds of its entire membership, modify such plat and adopt the modified plat. In the resolution of adoption of a plat council shall fix the period of time for which the street locations shown upon the plat shall be deemed reserved for future taking or acquisition for public use. Upon such adoption the clerk of council shall transmit one attested copy of the plat to the county recorder of each county in which the platted land is located and retain one copy for

the purpose of public examination. Such approval and adoption of a plat shall not, however, be deemed the opening or establishment of any street, nor the taking of any land for street purposes, nor for public use, nor as a public improvement, but solely as a reservation of the street locations shown thereon, for future taking or acquisition for public use. The commission may, at any time, negotiate for or secure from the owner or owners of any such lands releases of claims for damages or compensation for such reservations or agreements indemnifying the municipality from such claims by others, which releases or agreements shall be binding upon the owner or owners executing the same and their successors in title. At any time after the filing of a plat with the county recorder, and during the period specified for the reservation, the planning commission and the owner of any land containing a reserved street location may agree upon a modification of the location of the lines of the proposed street, such agreement to include a release by said owner of any claim for compensation or damages by reason of such modification; and thereupon the commission may make a plat corresponding to the said modification and transmit same to council; and if such modified plat be approved by council, the clerk of council shall transmit an attested copy thereof to the said county recorder or recorders, and said modified plat shall take the place of the original plat. At any time council may, by resolution, abandon any reservation and shall certify any such abandonment to the said county recorder or recorders. (1933, ch. 599).

32. Control of building in the bed of mapped streets.

From and after the recording of any street plat approved by council, as provided in § 31 of this subtitle, no permit shall be issued for any building on any part of the land between the lines of a proposed street as thus platted: Provided, however, that the board of zoning appeals of the municipality in which the location of such platted street lies, or a special board of appeals which may be created for the purpose of the council of the municipality, shall have the power, upon an appeal filed with it by the owner of any such land and by a vote of a majority of its members, to grant a permit for a building in such platted street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal: (a) That the entire property of the appellant, of which such reserved street location forms a part, cannot yield a reasonable return to the owner unless such permit be granted; and (b) that, balancing the interest of the municipality in preserving the integrity of such street plat and of the municipal plan and the benefits of the ownership thereof, the grant of such permit is required by consideration of reasonable justice and equity. Before taking any such action the board of appeals shall give a hearing at which the parties in interest shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be given to the appellant by mail at the address specified by the appellant in his appeal petition and shall be published in a newspaper of general circulation in the municipality. In the event that the board of appeals grants a building permit in any such appeal it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted and may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the city. (1933, ch. 599).

33. Municipal improvements in streets; buildings not on mapped streets.

No public sewer or other municipal street utility or improvement shall be constructed in any street or highway until such street or highway is fully placed on the official map. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map. Where the enforcement of the provisions of this section would entail exceptional difficulty or unwarranted hardship and where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of appeals. The board may in passing on such appeal make any reasonable exception and issue the permit subject to conditions that will protect any future street or highway layout. Any such decision shall be subject to review by certiorari order isued out of a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations. (1933, ch. 599).

Title V—General Provisions

34. Enforcement and remedies.

(a) The council may provide by ordinance for the enforcement of this sub-title and of any ordinance or regulation made thereunder. A violation of this sub-title or of such ordinance or regulation is hereby declared to be a misdemeanor, and such local legislative body may provide for the punishment thereof by fine or imprisonment or both. It is also empowered to provide civil penalties for such violation.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this sub-title or of any ordinance or other regulations made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business, or use in or about such premises.

(c) In Washington County a violation of this sub-title or of any ordinance, rule, regulation or restriction adopted pursuant to this sub-title is a misdemeanor, punishable upon conviction by a fine not to exceed one hundred dollars. Each day the violation continues is a separate offense. In addition to any other remedies, the Board of County Commissioners may institute any appropriate action or proceedings to compel compliance with any such ordinance, rule, regulation or restriction. (1933, ch. 599; 1959, ch. 194).

35. Conflict with other laws.

Whenever the regulations made under the authority of this subtitle require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied or impose other higher

standards than are required in any other statute or local ordinance or regulations, the provisions of the regulations made under authority of this subtitle shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or requires a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this subtitle, the provisions of such statute or local ordinance or regulation shall govern; provided, however, that within the limits of the Maryland-Washington regional district as said district is now or shall hereafter be defined by law, in Montgomery and Prince George's counties—in which district there is now in effect city and regional planning and zoning, which are being administered by existing agencies under existing law—this subtitle shall be construed wherever possible as supplemental to chapter 992 of the Laws of Maryland of 1943, as amended; and within the said district the several additional and supplemental powers or any of them vested by this subtitle in the "municipality", and/or the "council", shall be construed to be vested exclusively in and may be exercised within their discretion only by the respective board of county commissioners acting as the district council, as provided in said chapter 992, as amended; and within the said district in like manner the several additional and supplemental powers of any of them vested by this subtitle in the "commission" and in the "board of appeals", respectively, shall be construed to be vested exclusively in and may be exercised only, within their discretion, by The Maryland-National Capital Park and Planning Commission and/or the respective board of zoning appeals of the county affected; and provided further, that in so far as the provisions of this subtitle may be inconsistent with or contrary to the provisions of chapter 992 of the Laws of Maryland of 1943, as amended; such provisions shall have no application within the Maryland-Washington regional district, but nothing contained herein shall be deemed or construed to affect the validity of said chapter 992, as amended; and provided further, that nothing in this subtitle shall apply to Baltimore City. (1933, ch. 599; 1941, ch. 523; 1945, ch. 808; 1947, chs. 609, 760; 1949, ch. 482; 1951, ch. 654; 1953, ch. 19).

35A. Powers additional and supplemental to express powers of chartered counties; conflict with local laws.

Anything contained in this sub-title to the contrary notwithstanding, the powers conferred herein shall be construed wherever possible as additional and supplemental to the express powers to enact laws relating to planning and zoning granted to and conferred upon the chartered counties of Maryland by Section 5 of Article 25A, and to the extent that any of the provisions of this sub-title may be inconsistent with or contrary to any local laws, ordinances or regulations adopted by virtue of or pursuant to such express powers such provisions of this sub-title shall not apply to the chartered counties of Maryland. (1959, ch. 704).

36. Separability clause.

If any clause, sentence, part or parts of this subtitle, or of any section thereof shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this subtitle or of any section thereof. The legislature hereby declares that it would have passed the remaining parts of this subtitle or any section thereof, if it had known such

clause, sentence, part or parts or any section thereof should be declared unconstitutional. (1933, ch. 599).

37. Repeal of inconsistent law.

Except as otherwise provided herein, all acts and parts of acts, laws and parts of laws, ordinances and parts of ordinances, inconsistent herewith or contrary hereto, are hereby repealed to the extent of such inconsistency, provided, however, that §§ 1-9 and all laws and ordinances passed pursuant thereto shall not be affected hereby, and that this subtitle shall be deemed to be in addition to said §§ 1-9 and not in substitution therefor. (1933, ch. 599).